

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:10-cr-23

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
KEITH FRANKLIN SIMMONS,)
Defendant.)

**FINAL ORDER AND
JUDGMENT CONFIRMING
FORFEITURE**

THIS MATTER is before the Court on Motion of the United States of America for a Final Order and Judgment Confirming Forfeiture, to which the defendant has not objected. (Doc. No. 81).

This Court previously entered a Consent Order and Judgment of Forfeiture (Doc. No. 40), a Preliminary Order of Forfeiture of Substitute Res (Doc. No. 45), and an Order of Forfeiture of Substitute Res (Doc. No. 53), all such orders forfeiting the following property in which Defendant had an interest subject to forfeiture:

2006 Subaru Legacy, VIN: 4S3BL676164204935;

Approximately \$30,736.62 in funds as a substitute res for thirty-five shares of Mixed Martial Arts Xtreme Fighting Promotions, Inc. DBA Xtreme Fighting Championships and approximately fifty-one shares of XF Corporation;

Real property at 189 Wicker Street, West Jefferson, North Carolina 28694, identified in a deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 376, Page 2447;

Real property at Lot 31, Candlelight Park, West Jefferson, North Carolina 28694, identified in a deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 378, Page 162;

Real property at Lot 30, Candlelight Park, West Jefferson, North Carolina 28694, identified in a deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 379, Page 1358;

Real property at Big Laurel Road, Creston, North Carolina 28615, identified in a

deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 379, Page 1536;

Real property at Buck Mountain Heights, West Jefferson, North Carolina 28694, identified in a deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 380, Page 2111;

Real property at 19 East Ashe Street, West Jefferson, North Carolina 28694, identified in a deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 381, Page 256;

Real property at Rich Hill Road, Creston, North Carolina 28615, identified in a deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 382, Page 2357;

Approximately \$141,602.98 in funds as a substitute res for the real property at 643 East Hidden Mountain Lane, Crumpler, North Carolina 28617, identified in a deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 384, Page 365;

Real property at Lot 15, Candlelight Park, West Jefferson, North Carolina 28694, identified in a deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 386, Page 2093;

Real property adjoining Candlelight Park Subdivision, West Jefferson, North Carolina 28694, identified in a deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 387, Page 806;

Real property adjoining Candlelight Park Subdivision, West Jefferson, North Carolina 28694, identified in a deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 387, Page 809;

Real property off of Candle Street, West Jefferson, North Carolina 28694, identified in a deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 387, Page 803;

Real property off of Candle Street, West Jefferson, North Carolina 28694, identified in a deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 387, Page 800;

Real property in the vicinity of Candle Street, West Jefferson, North Carolina 28694, identified in a deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 387, Page 932;

Real property at Roe-Land Estates Subdivision, Township of Helton, Ashe County, North Carolina, further described as Lots 25, 28, 29, and 30, identified in

a deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 389, Page 351;

\$62,744.89 in funds derived from the sale of the real property at Ridgecrest Avenue, West Jefferson, North Carolina 28694, further described as Duplex 2A, identified in a deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 389, Page 1537;

Real property at Jefferson Station, 215 South Jefferson Avenue, West Jefferson, North Carolina 28694, further described as Unit 216 of Jefferson Station Condominium, identified in a deed recorded in the Ashe County, North Carolina Register of Deeds Office, Deed Book 389, Page 2121.

As reflected in the Submission of Declaration of Publication (Doc. Nos. 42 and 42-1), from January 23, 2011 through February 1, 2011, the United States published, via www.forfeiture.gov, notice of this forfeiture and of the intent of the government to dispose of the forfeited property according to law, and notice to all third parties of their right to petition the Court within sixty days from January 23, 2011, for a hearing to adjudicate the validity of any alleged legal interest in the property. In addition, on June 6, 2012, the Government sent, via United States Postal Service Certified Mail, Return Receipt Requested, notice of this forfeiture action to the last known addresses of Suzanne Simmons. On June 12, 2012, the Government received a return receipt bearing the signature, "Suzanne Randolph." The time period in which third parties may file petitions has passed and no third parties have filed petitions. Consequently, in accordance with Rule 32.2(c)(2), the Court may now enter a Final Order and Judgment Confirming Forfeiture giving the United States clear title to the forfeited assets.

IT IS, THEREFORE, ORDERED THAT, the Consent Order and Judgment of Forfeiture (Doc. No. 40), Preliminary Order of Forfeiture of Substitute Res (Doc. No. 45), and Order of Forfeiture of Substitute Res (Doc. No. 53) are confirmed as final and all right, title, and interest in the above property is therefore forfeited to the United States for disposition according to law.

Signed: September 19, 2012

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

